

# In the Court of Appeals of the State of Alaska

**Lookhart Dental LLC,**  
Appellant,

v.

**State of Alaska,**  
Appellee.

Court of Appeals No. **A-13945**

## **Order**

Date of Order: **March 29, 2022**

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Trial Court Case No. **3AN-17-02992CR**

On January 31, 2022, Seth Lookhart (who is not an attorney) filed a motion requesting that he be allowed to represent Lookhart Dental LLC — the party filing an appeal in this case — and to stay the appellate proceedings pending a decision in Lookhart’s personal appeal, *Lookhart v. State*, Court of Appeals Case A-13752. On February 4, 2022, the State of Alaska filed an opposition to both of Lookhart’s requests.

On February 10, 2022, this Court denied Lookhart’s request to allow him to represent Lookhart Dental LLC in this matter. The Court further ordered that an attorney must enter an appearance on behalf of the LLC by March 14, 2022, or this case might be closed. *See* AS 22.20.040(a)(2). The Court, however, held the motion to stay this case in abeyance, until an attorney entered an appearance on behalf of the LLC.

On March 14, 2022, attorney Michael Horowitz filed a limited entry of appearance on behalf of Lookhart Dental LLC. Horowitz explained he will not be representing the LLC on the merits of the LLC’s case, but instead entered his appearance for the sole purpose of litigating the motion to stay the proceedings in this case pending the disposition of Lookhart’s appeal in Case A-13752.

In light of Horowitz’s limited appearance, this Court will now address Lookhart Dental LLC’s motion for a stay. Based on the pleadings, the LLC justifies its

motion on the ground that — according to the LLC — it currently has no assets, but it does have “the possibility of future assets and means” depending on the outcome of Case A-13752. For this reason, the LLC argues that out of “an abundance of caution,” the LLC should be allowed to preserve its right to appeal until Case A-13752 is resolved.

The State opposes this motion. The State argues that Lookhart’s personal appeal — Case A-13752 — may take years to resolve, that the LLC has not shown any likelihood of eventual success in its own case, and has also failed to explain how success in Lookhart’s personal appeal would entitle the LLC to any relief from the superior court judgment.

The Court agrees with the State’s position. Additionally, even if the Court accepted the unsupported assertion that the LLC currently has no assets or the means to acquire resources for retaining an attorney, the LLC’s assertion that it has “the possibility of future assets and means” is speculative at best, providing no reason to believe that at some future date, the LLC will have the means to retain an attorney. The Court concludes that speculation of this nature is insufficient to justify a stay that would significantly delay the resolution of this case. The Court also concludes that the statutory requirement that an LLC be represented in litigation by an attorney is not a justification for staying litigation until the time the LCC is able to acquire sufficient assets to retain an attorney.

Accordingly, IT IS ORDERED:

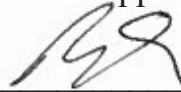
1. The motion to stay this case until the resolution of *Lookhart v. State*, Case A-13752, is **DENIED**.

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2. Because Lookhart Dental LCC has failed to retain an attorney to represent the LCC regarding its challenge of the superior court's judgment, the Clerk of the Appellate Courts is directed to close this case.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts



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Ryan Montgomery-Sythe,  
Chief Deputy Clerk

cc: Seth Lookhart

Distribution:

Email:  
Horowitz, Michael L., Public Defender - Contract  
Soderstrom, Donald